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**PATENT**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Pan et al.

Serial No.: 09/259,145

Filed: February 26, 1999

For: WELL-DRIVE ANNEAL  
TECHNIQUE USING PREPLACEMENT  
OF NITRIDE FILMS FOR ENHANCED  
FIELD ISOLATION

Examiner: A. Mai

Group Art Unit: 2814

Attorney Docket No.:3027.1US (96-684.1)

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail (under 37 C.F.R. § 1.8(a)) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

July 5, 2001  
Date of Deposit

Signature of registered practitioner or other person having reasonable basis to expect mailing to occur on date of deposit shown pursuant to 37 C.F.R. § 1.8(a)(1)(ii)

Joseph A. Walkowski  
Typed/printed name of person whose signature is contained above

Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following remarks are filed in supplemental response to the Examiner's remarks in the Final Office Action mailed February 13, 2001, the three-month shortened statutory period for response to which expired on May 13, 2001, a prior Response to Final Rejection having been mailed on April 12, 2001 and filed on April 16, 2001 by First Class Mail. Applicants also, on May 11, 2001, filed a Request for Continued Examination responsive to the non-consideration of the Response to Final Rejection for purportedly amending the claims without providing a marked-up version of the claims and requesting consideration of the response filed on April 16, 2001. This Supplemental Response is also filed in response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed June 14, 2001, the one month period for response to which expires on July 16, 2001, July 14, 2001 being a Saturday. This Supplemental Response is mailed on or before the due date for response to the Notice of Non-Compliant Amendment (37 CFR 1.121).

**REMARKS REGARDING NOTICE OF NON-COMPLIANT AMENDMENT**

**(37 CFR 1.121)**

A Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed by the Patent Office on June 14, 2001 regarding Applicant's Amendment mailed April 12, 2001 and filed April 16, 2001 (although noted as filed April 12, 2001 in the Notice). The reason of non-compliance stated was: "The amendment does not include a marked-up version of the **replacement paragraph/section**. 37 CFR 1.121(b)(1)(iii)." However, Applicants did not amend any section or paragraph of the specification in the Response to Final Rejection filed on April 16, 2001. Further, Applicants did not amend any claims in the response filed April 16, 2001. The Response to Final Rejection filed April 16, 2001 merely included a clean copy of the claims as previously amended on December 1, 2000 by Amendment mailed on November 28, 2000 for the convenience of the Examiner.

An examination of the Response to Final Rejection filed on April 16, 2001 reveals that the clean copy of claim 25 was referenced as "four times amended". However, the term "four times amended" was used to properly indicate the number of times claim 25 had been previously amended and not to indicate a further amendment to the claim. Unfortunately, two prior amendments to the claims, filed respectively on July 17, 2000 and December 1, 2000 both referenced claim 25 as being "three times amended" when the amendment filed on December 1, 2000 should have referenced claim 25 as being "four times amended". Applicants' undersigned attorney sincerely apologizes for the error in notation of the number of claim amendments made and for the lack of explanation as to how claim 25 was presented in the Response to Final Rejection filed April 16, 2001 without an explanation that the "four times amended" referred to the number of times the claim had been previously amended. Similar errors occurred in the notation of claims 33 and 39 being "twice amended" in the Response to Final Rejection filed April 16, 2001, when the notation should have been "previously twice amended", reflecting the prior amendments made on July 17, 2000 and December 1, 2000.

Applicants made a bona fide good faith effort to respond to the Final Office Action of February 13, 2001 by their Response to Final Office Action filed April 16, 2001 and the Request for Continued Examination filed May 11, 2001. Applicants therefore respectfully request

consideration of the Remarks filed in the Response to Final Rejection filed April 16, 2001 as reiterated in substance herein.

It is further noted that, pursuant to 37 CFR §1.121(c)(3), Applicants have submitted a clean version of the entire set of pending claims for the convenience of the Office. However, as previously submitted, the clean version of the pending claims included parenthetical statements as to their current amendment status (*i.e.*, “amended,” “twice amended,” etc.). To remove any potential ambiguity as to whether certain claims are being amended in the presently submitted Amendment, the parenthetical statements have been changed to indicate their current status as “Previously amended,” “Previously twice amended” and so forth.

PATENT  
Attorney Docket No. 3027.1US (96-06841)A K 2814  
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Joseph A. Walkowski  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: A. Mai

Group Art Unit No.: 2814

Applicant(s): Pan et al.

Filing date: February 26, 1999

Serial No.: 09/259,145

For (title): WELL-DRIVE ANNEAL TECHNIQUE USING  
PREPLACEMENT OF NITRIDE FILMS FOR ENHANCED  
FIELD ISOLATION

## COMMUNICATION TRANSMITTAL

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed for filing in connection with the above-identified patent application, and submitted in the order listed, are:

- Postcard receipt acknowledgment (attached to the front of this transmittal).
- Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16. Any such fees may be charged to deposit account no. 20-1469.
- Check no. in the amount of \$ for the presentation of extra claims as calculated in the remarks section below.
- Preliminary amendment.
- Amendment or other communication in response to the non-final office action mailed.
- Amendment in response to final rejection and to Notice of Non-Compliant Amendment (37 C.F.R. § 1.121).
- Petition for Extension of Time in duplicate with check no. in the amount of \$.
- Verified statement(s) to establish small entity status under 37 C.F.R. § 1.9 and 37 C.F.R. § 1.27 signed by (or on behalf of) .
- Information disclosure statement and information disclosure citation form PTO-1449 with copies of listed documents.

## Remarks:

- An amendment has been made involving one or more claims in the application. The calculation to determine whether any additional fee is due is presented below.

	1	2	3	\$EXTRA
Total claims	17	-	17	= 0 x 18.00 = 0
Indep. claims	4	-	4	= 0 x 78.00 = 0
First presentation of a multiple dep. claim (+260.00)				
SUBTOTAL				0
Reduction for small entity - 50% of subtotal*				
TOTAL ADDITIONAL FEE (subtotal minus any reduction)				0

\*Verified statement(s) must be attached to support this reduction if small entity status has not been previously established.

1 Claims remaining after amendment.

2 Highest number of claims previously paid for. Not less than 20 for total claims and 3 for independent claims.

3 Difference between claims remaining and highest number previously paid for. If less than zero, enter "0."

- The commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to deposit account no. 20-1469 during the entire pendency of this application.

Respectfully submitted,

Joseph A. Walkowski  
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TRASK BRITT  
P.O. Box 2550  
Salt Lake City, UT 84110-2550  
(801) 532-1922

Date: July 5, 2001

Enclosures: As identified above

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